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International Court of Justice

COM. B.
Take 6 - Pg. 1
Lesser
11 July
David

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

11 July 1946

COMMISSIONER:

Mr. George Taylor

THE S. A.

(THE COMMISSION CONVENED AT 1630 HOURS.)

DR. EMMERICH DAVID, a witness, took the stand and testified as follows:

BY THE COMMISSIONER:

Q Will you state your full name please?

A Emmerich David.

Q Will you raise your right hand and repeat the following oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

COMMISSIONER TAYLOR: You may sit down. Dr. Aschenauer, are you going to make a statement as to the facts you intend to prove by this witness?

DR. ASCHENAUER: I want to question the witness on the following topics: National Socialism and Catholicism, SA and Catholic Church, the Catholic in the SA. May I ask my questions?

COMMISSIONER TAYLOR: Proceed, Doctor.

COM. B.
Take 6 - 2
Lesser
11 July
David

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DIRECT EXAMINATION

BY DR. ASCHENAUER:

Q What is your position in the Diocese of Cologne?

A I am the General Vicar of the Archbishop.

Q Since when have you had this position?

A I have held this position since 1931 but there was a break during the years 1941 and 1942.

Q What was your position during the years 1941 and 1942?

A In the years 1941 and 1942 there was no Archbishop and therefore I was in charge of the Diocese in my capacity as Vicar of the Chapter.

Q Does your knowledge enable you to make a statement as to the relation between National Socialism and Catholicism, the SA and Catholic Church and on the topic of the Catholic in the SA?

A Yes, but I have to make a reservation and that is that my statements as to facts that have taken place in the SA are only restricted to that area I had a clear view of.

Q Since when have you had a view on the SA?

A I have to answer there that it would probably be since the year 1932. I came back from abroad in 1930.

Q What, in your opinion, was the reason for the increasing number of members of the SA?

A I think that the question refers to the period of time between 1932 and the years 1933-1934?

Q I restrain the question to this period of time.

A I think that this increase was due to the fact that on account of the great discontent which was spread out in Germany because of the political,

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social, and economic distress, the people looked for a way out. In wide circles of the German population the opinion had become clear that the governments which had ruled Germany until then had been unable to master the difficulties which derived from the clauses of the Versailles treaty. According to the opinion of those large circles, most of the German governments lacked manly power and a consequence in their behavior in interior matters as well as in foreign affairs. Furthermore, the National Socialist Party poured into the people propaganda accusing the governments of that period of corruption, of being unable to do anything against the unpleasant conditions, (which really were unpleasant,) of bringing disadvantages to parts of the population while favoring other parts whereas the National Socialist Party offered for one thing the possibility of being again consciously German and on the other hand that they were ready to bring about help and xx aid against those unpleasant conditions.

Q And after 1933?

A After 1933 conditions had changed in a great manner. At that time to be able to put an NS before one's name, that is, to be a member of one of the affiliated organizations or xx of the NSDAP was a primary condition for real life in the new German Reich. There is another point. During the years of 1933 and 1934 the conception of the word "Staatsjugend" (State Youth) came into life in Germany, that is, that the State took charge of the education and instruction of the youth up to higher classes of education and it was the general opinion that only such a young man as could say that he had been a member of the State Youth could have a chance for a career in his future life. In order to be quite precise I want to add a restriction: In all those years after the coming into power of the Party there was a

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great difference between what was really a decisive law and had been executed and measures as had been proposed and sponsored by the National Socialist Party and considered necessary at that time.

Q And here the SA offered a possibility for the Germans to have, with a not too close connection to the Party, a pleasant life within the German Reich?

A Yes, I can confirm that, at least as to the Catholic circles in my area. They thought that an adherence to the SA was the cheapest way of getting away and that by this they did not come into too close connection with the Party.

Q Has the Catholic Church and the christian point of view agreed to the thoughts and aims of the SA?

A As far as the general rules for the SA were concerned, that is manly behavior and such measures, they were admitted by the Church. I have to stress the point that at that time there were meetings of Bishops at which meetings these Bishops had expressly confirmed these concessions with regard to the mentioned behavior but at that time they already called for caution as to abuses, such abuses as had not happened anyhow up to 1933.

Q Is it true that from a Catholic point of view the Youth was synchronized from the point of view of the living of a people's community and of a comradely spirit?

A As far as the important church authorities were concerned, if that is what one understands in the Catholic sense, then I have to say "No" to this question. But as far as Catholic institutions, Associations and schools were concerned, I may say "Yes". They had the intention to protect their church and Catholic organizations by bringing about a close connection

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between their wards and the SA and they were convinced that there was no great risk for them as far as the ideological and moral side was concerned.

Q Did the Catholics in the framework of the State as outlined by the NSDAP hope for a new formation of the life of the German people and its state?

A There were groups, not very important groups, of spiritual and temporal men, who had such hope but through this hope and this opinion they later on came into opposition with the larger circles of the church.

Q Was it the viewpoint of the church that one was to insert christian conservative ideas into the National Socialist organizations in order to prevent a catastrophe in the reconstruction of the German State?

A In the years 1933 and 1934 there were temporal and spiritual groups and even church men with higher influence, who sponsored such ideas.

Q Was it an active part to play for the Youth in order to prevent the christian spirit and christian social morale from being evicted by radical reformers?

A I have to refer that to the same circle which I have just referred to. Perhaps I may quote a sentence which was uttered at that period of time by one of the leaders of the organized Catholic Youth: "In this new world as it has been shown now, we have to collaborate with our people in order to prevent the German people from being ruined. And that is why we want to take this swastika into our hands and want to drag on it even if our hands become bleeding, until we have transformed this swastika again into a christian cross."

Q But is there not in this connection a sentence uttered in 1933 - "The new reasons for the politics have to come from the religious grounds?"

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A I have no knowledge where this sentence has been spoken but one can give it very good sense in the meaning of what the Catholics of that time felt and that meaning is that in 1933 and 1934 even National Socialist Youth Organizations sponsored such ideas as have been favored and accepted by the christian authorities. What had to be disapproved in these ideas, however, was the exaggerated race pride (Rassenstolz) and the tendency towards brutality. If one was to give reasons for these new ideas and refer them to christian ideas, then they had their measure and became acceptable from the point of view of the christian.

Q Did not above all the Catholic cartel organizations see in these new facts the so-called "historical hour?"

A I cannot answer this question.

Q Were there any parallels between the NSDAP and the catholic church?

A One has stressed the similarity of the charter and of the discipline for reasons of propaganda.

Q And is it to be understood from the statement which has been made by catholics in reference to the SA that the readiness for ~~the~~ "wehrbereich-schaft" in reference to the State and the Fatherland is not a sin but is to be called for and is a manly virtue?

A According to the Catholic Church the love of the Motherland or Fatherland, including the readiness even to sacrifice one's own life in a just war, is a christian virtue.

Q If you take into consideration the viewpoint of the year 1933 was there a justified hope in Catholic circles for a so-called National and Social Reich with a trusting collaboration?

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A It is a fact that in large leading Catholic circles there was such hope. Whether or not this hope was justified is a question which is very difficult to answer. In that case one should have knowledge of the most secret intentions and conceptions of the leading men of the Party. But the ultimate facts were such that they gave a very sound basis for such hopes. This hope existed especially in circles which had never thought it over "What is in reality a totalitarian State?"

Q Was there a justification for the statement which was made by the Catholics in 1933 and according to which the economic order of the National Socialists realized its principles called for it by the Enzyklika Quadregesimo anno?

A Yes, the Enzyklika denounces the obligation of capital and of the private owner towards the common welfare. But on the other hand the Enzyklika stresses the point that on principle the private ownership is justified and these principles were points of the program of the National Socialogical Ideology.

Q Did one on the other hand try to do away with the distrust which was there against the Catholic world by entering the National Socialist organization?

A Such tactical reasoning may have happened in catholic circles, especially with people who were illusionists.

Q Have you knowledge whether ~~xxxx~~ in catholic students' organizations, service in the SA and SS were entered into the educational program?

A That was in the period which I have referred to in the beginning, that is, when the term of State Youth started to have its value. The members of those Catholic organizations were men who wanted to have an

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official position later on in life and they thought that they could secure those aims by taking part, apart from the very clearly defined ideological Catholic organizations, in the dreary exercises and such exercises in the SA and SS.

DR. ASCHENAUER: If the Commission wishes to adjourn, I have just reached a section of my questioning where it might be a good place to stop.

COMMISSIONER TAYLOR: Very well. The Commission will finish with this witness tomorrow morning, starting at 10 o'clock. We will hear only this witness tomorrow. The Commission will then reassign the proposed witnesses for further hearing, probably Saturday.

(The Commission adjourned until 12 July 1946 at 1000 hours.)

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The foregoing is a true and correct transcript of the testimony of EMMERICH DAVID, taken on 11 July 1946.

Mabel A. Lesser
Reporter 1 - 8

CERTIFIED TO:

Geo Taylor
Commissioner

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

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Q Does your knowledge enable you to make a statement as to the relation between National Socialism and Catholicism, the SA and Catholic Church and on

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the topic of the Catholic in the SA?

A Yes, but I have to make a reservation and that is that my statements as to facts that have taken place in the SA are only restricted to that area I had a clear view of.

Q Since when have you had a view on the SA.

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Q And after 1933?

A After 1933 conditions had changed in a great manner. At that time to be able to put an NS before one's name, that is, to be a member of one of the affiliated organizations or of the NSDAP was a primary condition for real life in the new German Reich. There is another point. During the years

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of 1933 and 1934 the conception of the word "Staatsjugend" (State Youth) came into life in Germany, that is, the State took charge of the education and instruction of youth up to the higher classes of education and it was the general opinion that only such a young man as could say that he had been a member of the State Youth could have a chance for a creer in his future life. In order to be quite precise I want to add a restriction: In all those years after the coming into power of the Party there was a great difference between what was really a decisive law and had been executed and measures as had been proposed and sponsored by the National Socialist Party and considered necessary at that time.

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Q Did the Catholics in the framework of the State as outlined by the NSDAP hope for a new formation of the life of the German people and its state?

A There were groups, not very important groups, of spiritual and temporal men, who had such hope but through this hope and this opinion they later on came into opposition with the larger circles of the church.

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Q Did not above all the Catholic cartel organizations see in these

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now facts the so-called "historical hour?"

A I cannot answer this question.

Q Were there any parallels between the NSDAP and the Catholic Church?

A One has stressed the similarity of the charter and of the discipline for reasons of propaganda.

Q And is it to be understood from the statement which has been made by catholics in reference to the SA that the readiness for "wehrbereich-schaft" in reference to the State and the Fatherland is not a sin but is to be called for and is a manly virtue?

A According to the Catholic Church the love of the Motherland or Fatherland, including the readiness even to sacrifice one's own life in a just war, is a christian virtue.

Q If you take into consideration the viewpoint of the year 1933 was there a justified hope in Catholic circles for a so-called National and Social Reich with a trusting collaboration?

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A. It is a fact that in large leading Catholic circles there was such hope. Whether or not this hope was justified is a question which is very difficult to answer. In that case one should have knowledge of the most secret intentions and conceptions of the leading men of the Party. But the ultimate facts were such that they gave a very sound basis for such hopes. This ho pe existed especially in circles which had never thought it over "What is in reality a totalitarian State"?

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DR. ASCHENAUER: If the Commission wishes to adjourn, I have just

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reached a section of my questioning where it might be a good place to stop.

COMMISSIONER TAYLOR: Very well. The Commission will finish with this witness tomorrow morning, starting at 10 o'clock. We will hear only this witness tomorrow. The Commission will then reassign the proposed witnesses for further hearing, probably Saturday.

(The Commission adjourned until 12 July at 1000 hours.)

The foregoing is a true and correct transcript of the testimony of EMMERICH DAVIT, taken on 11 July 1946.

Mabel A. Lesser
reporter

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